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MINUTES OF COUNCIL STUDY MEETING – JULY 21, 2009

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THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JULY 21, 2009, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Carolynn Burt
Joel Coleman (Arrived as noted)
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Layne Morris, Community Preservation Director
Nicole Cottle, CED Director
Buzz Nielsen, Police Chief
Richard Catten, City Attorney
Frank Lilly, CED Department
Jody Knapp, CED Department
Steve Lehman, CED Department
Ralph Lee, CED Department
Claire Gillmor, Law Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

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1. APPROVAL OF MINUTES OF STUDY MEETING HELD JULY 7, 2009

The Council read and considered the Minutes of the Study Meeting held July 7, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held July 7, 2009, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

| | |
|----------------|-----|
| Mr. Vincent | Yes |
| Ms. Burt | Yes |
| Mr. Winder | Yes |
| Mr. Rushton | Yes |
| Mayor Nordfelt | Yes |

Unanimous.

2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED JULY 21, 2009

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M. He discussed items scheduled on that Agenda and the Redevelopment Agency Agenda, as follows:

Item No. 9. A. - RESOLUTION NO. 09-264, CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF WEST VALLEY CITY, UTAH (THE “ISSUER”), FINALIZING TERMS AND CONDITIONS OF THE ISSUANCE AND SALE BY THE ISSUER OF ITS FRANCHISE TAX REVENUE BONDS, SERIES 2009 (THE “SERIES 2009 BONDS”), IN THE AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY \$15,000,000; CONFIRMING THE SALE OF SAID SERIES 2009 BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A GENERAL INDENTURE AND A FIRST SUPPLEMENTAL INDENTURE OF TRUST AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING AN OFFICIAL STATEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS AND ORDERS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-264 which would consider adoption of a resolution of the City Council of West Valley City, Utah (the “Issuer”), finalizing terms and conditions of the issuance and sale by the Issuer of its Franchise Tax Revenue Bonds, Series 2009 (the “Series 2009 Bonds”), in the aggregate

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principal amount of approximately \$15,000,000; confirming the sale of said Series 2009 Bonds; authorizing the execution by the Issuer of a General Indenture and a First Supplemental Indenture of Trust and Other Documents Required in Connection Therewith; authorizing and approving an Official Statement; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; providing a severability clause; repealing resolutions and orders in conflict; providing an effective date; and related matters.

The City Manager advised replacement documents had been included in the information packets previously distributed to members of the City Council. Mr. Pyle and the Finance Director, Jim Welch, answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-264 at the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M.

Councilmember Coleman arrived at the meeting at 4:33 P.M.

Item No. 9.D. - RESOLUTION NO. 09-267, AUTHORIZE THE CITY TO ENTER INTO A NEW THEATRE SUBLEASE AGREEMENT WITH HALE CENTRE THEATRE, A UTAH NON-PROFIT CORPORATION, FOR USE OF THE HALE CENTRE THEATRE FACILITY

City Manager, Wayne Pyle Isaac, discussed proposed Resolution No. 09-267 which would authorize the City to enter into a new Theatre Sublease Agreement with Hale Center Theatre, a Utah non-profit corporation, for use of the Hale Centre Theatre facility.

Upon inquiry, City Attorney, Richard Catten, related a recent discussion with Mark Dietlein of the Hale Centre Theatre regarding language in the proposed agreement regarding allowing a charge for parking. He indicated the Dietleins would prefer the proposed agreement language remain as it was presently drafted.

The City Council will consider proposed Resolution No. 09-267 at the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M.

REVIEW REDEVELOPMENT AGENCY AGENDA FOR SPECIAL REGULAR MEETING SCHEDULED JULY 2, 2009 AND RESOLUTION NO. 09-16

City Manager, Wayne Pyle, reviewed proposed Resolution No. 09-16 which would authorize execution of an Incentive Agreement between the Redevelopment Agency of West Valley City and Cummins Rocky Mountain, LLC.

Mr. Pyle stated the proposal would provide an incentive for Cummins to relocate their business to 2167 South 5370 West, a site in West Valley City. He further stated the total incentive offered would be in the amount of \$350,000.00 as a contribution amount from

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the RDA that would be paid out over a seven-year period in increments of \$50,000.00 per year starting on December 31, 2009, and ending on December 31, 2014.

The City Manager reported the \$350,000 incentive to be paid for relocation of Cummins would come from interest reserves in the RDA Interest Funds. He stated money from interest was considered “non-increment generated” and was not restricted in its use to RDA Project Areas. He indicated the Cummins project was no in an RDA or EDA but would provide for general welfare of the general public.

Mr. Pyle indicated Cummins had proposed over \$1.25 million in capital improvements to the subject property in addition to bringing in \$1.62 million in fixed assets. Based on Cummins sales projections provided by their chief finance officer they would general \$441,864.00 in direct sales tax revenue to West Valley City alone on \$78.37 million in estimated sales generated within the next six years.

The City Manager further explained the addition of adding Cummins to their particular location would create additional synergism to the manufacturing and trucking segment of our West Valley City industrial base while providing a much-needed augmentation in the area of servicing large engines, generators and other transportation needs of the industry.

Mr. Pyle distributed updated written information to members of the City Council regarding the proposal, and introduced Eric Sparks and Tom Ford of Cummins.

Ralph Lee, CED Department, discussed and provided an overview of staff’s efforts and negotiations, which had resulted in Cummins locating in West Valley City. He also discussed details regarding the proposal and expressed appreciation for Cummins becoming part of the West Valley business community.

City Attorney, Richard Catten, further reviewed the proposal, specifically terms of the proposed agreement, and answered questions from members of the City Council.

Eric Sparks, Chief Executive Officer of Cummins, discussed background information regarding his company and its operations throughout the western United States. He also provided information regarding number of employees, a training center to be housed at the subject location, and total sales figures. Mr. Sparks expressed appreciation to City staff for their efforts regarding the subject proposal. He indicated his company looked forward to being a responsible corporate citizen of the West Valley City community. He stated their business was performing well as they were in a unique market that had been in the area since 1946. Mr. Sparks answered questions from members of the City Council.

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Mayor Nordfelt responded and stated the Council welcomed his business and expressed excitement for Cummins to be part of the West Valley City community and wanted their business to continue to be successful.

Upon inquiry by City Manager, Wayne Pyle, there were no further questions regarding items scheduled on the subject Agendas.

3. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED JULY 28, 2009:

A. PROCLAMATION DECLARING AUGUST AS “NEIGHBORHOOD NIGHTS” MONTH AND AUGUST 4, 2009, AS “NATIONAL NIGHT OUT 2009” IN WEST VALLEY CITY

City Manager, Wayne Pyle, stated Councilmember Coleman would read a Proclamation declaring August as “Neighborhood Nights” Month and August 4, 2009 as “National Night Out 2009” in West Valley City, at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

4. PUBLIC HEARINGS SCHEDULED JULY 28, 2009:

A. PUBLIC HEARING, APPLICATION NO. ZT-3-2009, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE OFF-STREET PARKING ORDINANCE (SURFACING)

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-3-2009, filed by West Valley City, requesting a zone text amendment to the Off-Street Parking Ordinance (Surfacing). He discussed proposed Ordinance No. 09-25 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 09-25, AMENDING SECTION 7-9-115 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING HARD SURFACING REQUIREMENTS

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-25 which would amend Section 7-9-115 of Title 7 of the West Valley City Municipal Code regarding hard surfacing requirements.

Mr. Pyle stated the proposed text change would modify the existing surfacing ordinance to better specify the various surfacing options and to potentially expand those options to a wider range of West Valley City residents, and to give the Code Enforcement Division better guidelines to enforce compliance. He indicated the proposed change included six possible exemptions to the hard surfacing requirements.

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The City Manager indicated that in 2005 the surfacing ordinance had been modified to require off-street parking for most residences in the City to be hard surfaced. He further indicated homes with gravel driveways that did not meet the various exceptions as of the effective date of the existing ordinance were required to come into compliance by June 1, 2010. He explained that since April 2009, residents had expressed concerns about the existing ordinance and the compliance deadlines during the comment period at various City Council meetings.

Mr. Pyle reported the first section of the proposed ordinance included six possible exemptions to the hard surfacing requirements, as follows: agricultural parcels; residences built prior to March 30, 1988; residences within the Mountain View Corridor alignment; off-street parking in excess of the minimum required; and parking for heavy equipment and recreational vehicles. He stated if the Council adopted the ordinance as proposed; a majority of the residential parcels would be exempt from the hard surfacing requirements. He also stated Exhibit A included two maps of the City and a table detailing the potential impact of the major exemptions proposed in the subject ordinance.

Using PowerPoint, Frank Lilly, CED Department, further discussed the proposal, summarized as follows:

- Key provisions of the existing ordinance
- Review of certain provisions in the Off-Street Parking Ordinance – Sections 1 and 2 that needed to be “cleaned up,” clarified or defined
- Planning Commission recommendation that a specific exception to hard surfacing requirements be included regarding homes located in the Mountain View Corridor alignment
- Planning Commission recommendation regarding Sections 1(b) and 1(d)
- Illustrations of options forwarded to City Council from the Planning Commission
- Implications of adopting the proposed ordinance as recommended
- Questions for City Council to consider: *Are you comfortable with gravel in the front yard? If so, what exemptions are you comfortable with?*

During the above presentation of information, Mr. Lilly answered questions from members of the City Council.

Councilmember Vincent displayed photographs he had taken of well-maintained side yard gravel driveways in his neighborhood.

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Upon discussion, members of the City Council discussed the proposal and expressed individual opinions summarized as follows: observations of gravel driveways in respective neighborhoods; concern with some or suggestions for changes to language in the proposed ordinance; comments from citizens regarding this issue; gravel can be appropriate but should be well maintained; exceptions in the proposed ordinance should be broader; language in the proposed ordinance should “nudge” or encourage concrete, but still allow well maintained side yard parking.

The City Council will hold a public hearing regarding Application No. ZT-3-2009 and consider proposed Ordinance No. 09-25 at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

B. PUBLIC HEARING, APPLICATION NO. ZT-5-2009, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT CHANGES IN STATE LIQUOR LAWS

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-5-2009, filed by West Valley City, requesting a zone text amendment to Title 7 of the West Valley City Municipal Code to reflect changes in State liquor laws. He discussed proposed Ordinance No. 09-26 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 09-26, AMENDING TITLE 7, 17 AND 21 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT THE CHANGE IN STATE LAW REGARDING ALCOHOL

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-26 which would amend Title 7, 17 and 21 of the West Valley City Municipal Code to reflect the change in State law regarding alcohol.

Mr. Pyle stated the proposed amendment to Title 7 would reflect the changes in State law made by the State legislature during the 2009 session regarding private clubs. He also stated changes included the elimination of private clubs and membership requirements in favor of the following four different types of club licenses:

- Dining Clubs – Maintain at least 50% of club business from the sale of food, have a portion of the premises used for a dining area, and adequate culinary facilities to serve full meals
- Equity Clubs – Such as country clubs

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- Fraternal Club – Mutual benefit association organized under a lodge system such as a fraternal or patriotic club
- Social Club – Any other club not qualifying as an equity, fraternal or dining club such as a social drinking club doing less than 50% of its business from the sale of food

The City Manager advised membership requirements were only applicable to equity and fraternal clubs. He stated dining and social clubs were open to the public, but the club licensee might choose to restrict access to only those who were on the list and/or pay a fee.

Mr. Pyle indicated club licenses would not be permitted in a 'C-1' zone, would be a conditional use in 'C-2' and 'C-3' zones, and a permitted use in 'M' zones.

The City Manager also advised legislative changes had not been made to the number of club licenses permitted by the State or to any of the beer or tavern licenses.

Claire Gillmor, Law Department, further reviewed the Application and proposed Ordinance and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. ZT-5-2009 and consider proposed Ordinance No. 09-26 at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

C. PUBLIC HEARING, APPLICATION NO. S-7-2009, FILED BY RB&G ENGINEERING, REQUESTING FINAL PLAT APPROVAL FOR HONEYWELL ELECTRONIC MATERIALS INC. SUBDIVISION – AMENDED, LOCATED AT 4645 WEST 2100 SOUTH

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled July 2, 2009, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. S-7-2009, filed by RB&G Engineering, requesting final plat approval for Honeywell Electronic Materials Inc. Subdivision – Amended, located at 4645 West 2100 South. He discussed proposed Ordinance No. 09-27 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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ORDINANCE NO. 09-27, APPROVING THE AMENDMENT OF LOTS 1 AND 2 OF THE HONEYWELL ELECTRONIC MATERIALS INC. SUBDIVISION

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-27 which would approve the amendment of Lots 1 and 2 of the Honeywell Electronic Materials Inc. Subdivision.

Mr. Pyle stated the subject subdivision was located in a manufacturing zone adjacent to 2100 South at 4645 West. He reported the original subdivision had been recorded in 2008. He stated Lots 1 and 3 would gain access from 2100 South and from a private road to the west. He indicated Lot 2 would gain access via a flag design from 2100 South. He stated the subdivision had been processed as a formal plat due to service requirements of Granger- Hunter Improvement District.

The City Manager explained that following the recordation of the original plat, Granger-Hunter Improvement District determined fee simple property would no longer be required for improvement services to Lot 2. For this reason, Honeywell and C.R. England desired to eliminate the stem portion of the flag lot. He indicated access and utility easements would be recorded and notations had been placed on the plat that would protect both property owners.

Steve Lehman, CED Department, further reviewed the Application and proposed Ordinance, displayed the plat map, and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. S-7-2009 and consider proposed Ordinance No. 09-27 at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

5. ORDINANCE NO. 09-28, AMEND SECTION 3-2-103 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE JUSTICE COURT BAIL SCHEDULE

City Manager, Wayne Pyle discussed proposed Ordinance No. 09-28 which would amend Section 3-2-103 of Title 3 of the West Valley City Municipal Code regarding the Justice Court bail schedule.

Mr. Pyle stated the proposed ordinance would allow the Court Administrator, with approval of the City Manager, to promulgate a recommended bail schedule for crimes frequently prosecuted in the West Valley City Justice Court.

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City Manager, Wayne Pyle, further reviewed the proposed Ordinance and answered questions from members of the City Council. City Attorney, Richard Catten, also answered questions from members of the City Council. Councilmembers expressed concerns regarding certain language in the proposed ordinance.

The City Council will consider proposed Ordinance No. 09-28 at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

6. RESOLUTION NO. 09-269, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION, FOR PROPERTY LOCATED AT APPROXIMATELY 6400 WEST 4600 SOUTH

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-269 which would approve a Real Estate Purchase Agreement in the amount of \$10,000.00 with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah Corporation, for property located at approximately 6400 West 4600 South.

Mr. Pyle stated the subject piece of property had been unintentionally left outside the Church Park when it had been developed and was adjoining Terrace Ridge Park. He also stated rather than fence the piece of property outside the park and hope it would be developed someday, Parks and Recreation decided to include it in the construction of Terrace Ridge Park. He indicated it was about 4,000 square feet and had a value of \$10,000.00.

The City Manager reported the LDS Church had park property bordering Terrace Ridge Park. He stated when the Church property had been developed a number of years ago a 4,000 square foot triangle had inadvertently been left out. The property now sat outside the fenced church area and was adjacent to Terrace Ridge Park. Developing Terrace Ridge Park and leaving the property out would create a fenced triangle piece that would be difficult to maintain and would most likely be weed covered. He advised the Church faced significant expense to move the fence, redesign and move the sprinkling system to capture the property; they would rather sell it.

Mr. Pyle stated an appraisal had been completed on the property with the following results: "Value for the 4,000 square feet piece is placed between \$10,000.00 - \$13,000.00." He further stated the Parks and Recreation Department did not want the property to be left undeveloped and recommended to include it as part of Terrace Ridge Park.

Parks and Recreation Director, Kevin Astill, further reviewed the proposed Resolution and answered questions from members of the City Council.

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The City Council will consider proposed Resolution No. 09-269 at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

7. NEW BUSINESS SCHEDULED FOR JULY 28, 2009:

- A. **APPLICATION NO. S-6-2009, FILED BY WEST VALLEY CITY, REQUESTING FINAL PLAT APPROVAL FOR THE UTAH CULTURAL CELEBRATION SUBDIVISION LOCATED AT 1300 WEST 3300 SOUTH**
City Manager, Wayne Pyle, discussed Application No. S-6-2009, filed by West Valley City, requesting final plat approval for the Utah Cultural Celebration Subdivision located at 1300 West 3300 South.

Mr. Pyle stated the Utah Cultural Celebration Subdivision would divide a number of existing parcels into three formal lots on approximately 24 acres of property. He indicated the subdivision was being processed in order to create lots that would eventually be sold to the developer of the Jordan River Market Place. He also stated Lot 1 would be retained by the City as it housed the Utah Cultural Celebration Center.

The City Manager indicated as part of the subdivision a small portion of Lots 2 and 3 would be dedicated as right-of-way along 3500 South. In addition, a three-foot wide public lighting easement would also be noted on the plat adjacent to 3500 South. He reported this would allow the public sidewalk and lighting to be installed along 3500 South as it was further to the west.

Mr. Pyle stated the subdivision was located in the 'C-2' zone as well as the Jordan River Overlay zone. As development occurred, special standards would apply based on these zones. He indicated these standards would be enhanced with the development guidelines to be reviewed and approved by the City Council based on the agreement to develop land.

Steve Lehman, CED Department, further reviewed the Application, displayed the plat map, and answered questions from members of the City Council.

The City Council will consider Application No. S-6-2009 at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

8. CONSENT AGENDA SCHEDULED JULY 28, 2009:

- A. **RESOLUTION NO. 09-270, RATIFYING THE CITY MANAGER'S REAPPOINTMENT OF ALAN ANDERSON TO THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2009 – JUNE 30, 2011**

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City Manager, Wayne Pyle, discussed proposed Resolution No. 09-270 which would ratify his reappointment of Alan Anderson to the Storm Water Advisory Board for the term July 1, 2009, through June 30, 2011.

Mr. Pyle stated Mr. Anderson had agreed to serve on the Storm Water Advisory Board for another two-year term.

B. RESOLUTION NO. 09-271, APPROVE DELAY AGREEMENT WITH STEVE JUDGE AND JOHNNIE MAY JUDGE FOR OFF-SITE IMPROVEMENTS ON PROPERTY LOCATED AT 1657 WEST WARNOCK AVENUE

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-271 which would approve a Delay Agreement with Steve Judge and Johnnie May Judge for off-site improvements on property located at 1657 West Warnock Avenue.

Mr. Pyle stated Steve Judge and Johnnie Mae Judge had requested to delay construction of off-site improvements for 1657 West Warnock Avenue. He also stated improvements included installation of curb, gutter, sidewalk, and asphalt tie-in to the existing roadway.

The City Manager indicated, at this time, there were no existing improvements along this property. He stated postponing construction of the mentioned improvements would allow time for additional development to provide similar improvements. The combination of the delayed improvements and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

C. RESOLUTION NO. 09-272, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOSEPH W. RUSHTON AND CONNIE I. RUSHTON FOR PROPERTY LOCATED AT 4031 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-272 which would accept a Grant of Temporary Construction Easement from Joseph W. Rushton and Connie I. Rushton for property located at 4031 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Joseph W. Rushton and Connie I. Rushton had signed the Grant of Temporary Construction Easement.

City Manager, Wayne Pyle, reported the subject parcel located at 4031 South 5200 West was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the

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easement would allow the contractor to make the necessary tie-ins to their property. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

D. RESOLUTION NO. 09-273, APPROVE RIGHT-OF-WAY AGREEMENT WITH ESTHER PEREZ AND DARIO N. PEREZ FOR PROPERTY LOCATED AT 4121 SOUTH 5400 WEST; AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 5400 WEST SIDEWALK PROJECT

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-273 which would approve a Right-of-Way Agreement with Esther Perez and Dario N. Perez for property located at 4121 South 5400 West; and accept Warranty Deed and Grant of Temporary Construction Easement for the 5400 West Sidewalk Project.

Mr. Pyle stated Esther Perez and Dario Perez signed a signed a Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 4000 West Sidewalk Project extending from 4100 South to 4179 South on the east side of 5400 West. He indicated compensation for the purchase of right-of-way and easement would be in the amount of \$9,100.00 in accordance with the appraisal prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc.

E. RESOLUTION NO. 09-274, APPROVE REAL ESTATE PURCHASE AGREEMENT WITH ESTHER PEREZ AND DARIO N. PEREZ FOR PROPERTY LOCATED AT 5395 WEST 4100 SOUTH; AND ACCEPT A WARRANTY DEED FOR THE 5400 WEST SIDEWALK PROJECT

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-274 which would approve a Real Estate Purchase Agreement with Esther Perez and Dario N. Perez in the amount of \$135,000.00 for property located at 5395 West 4100 South; and accept a Warranty Deed for the 5400 West Sidewalk Project.

Mr. Pyle stated Esther Perez and Dario Perez had signed a Real Estate Purchase Agreement and had agreed to sign a Warranty Deed.

City Manager, Wayne Pyle, reported the subject parcel to be acquired extended from 4100 South to 4179 South on the east side of 5400 West. He indicated compensation for purchase of the property and improvements, including an existing house, would be in the amount of \$135,000.00, negotiated based on an

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appraised value of \$125,000.00 prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc. He further stated, as it would be required to raze the existing home due to proximity of improvements, the cost to purchase the home and required right-of-way had only been appraised at \$110,000.00, therefore he would recommend the City Council authorize purchase of the entire parcel. He also reported it was anticipated the City would be able to create a building lot for future sale to recoup a portion of the cost of acquisition.

Mr. Pyle further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution Nos. 09-270 through 09-274 at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

9. COMMUNICATIONS:

A. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the Council had previously received a Memorandum outlining upcoming meetings and events as follows: June 11 – August 4, 2009: Art Exhibit – Face of Utah Sculpture V, UCCC; July 20-25, 2009: Days of '47 Rodeo, E-Center; July 27, 2009: Summer Concert Series – Smiling Souls, UCCC, 8:00 P.M.; July 28, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 30, 2009: ChamberWest General Membership Meeting, Department of Homeland Security – Be Ready Utah Presentation, Staybridge Suites, 11:30 A.M.; August 3, 2009: Honorary Colonels Golf Tournament, Stonebridge Golf Course, 7:00 A.M. – 2:00 P.M.; August 3, 2009: West Valley City Neighborhood Nights: National Night Out Kick-Off Event, UCCC 5:30 P.M. – 7:30 P.M.; August 3, 2009: Summer Concert Series – Jason Hewlett, UCCC, 8:00 P.M.; August 4, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 4, 2009: West Valley City Neighborhood Nights: National Night Out Block Parties, Various Locations, 5:00 P.M. – 9:00 P.M.; August 5-9, 2009: Saltimbanco Cirque du Soleil, E-Center; August 10, 2009: 2009 Crime Prevention Seminar, Topic: ID Theft and Senior Fraud, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; August 10, 2009: Summer Concert Series – World Travelers, UCCC, 8:00 P.M.; August 11, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 18, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 20, 2009: Latino Seminar – How to Obtain a West Valley City Business License, UCCC, 6:30 P.M.; August 25, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting 6:30 P.M.; August 25, 2009: Depeche Mode, E-Center; August 27, 2009: West Valley City Neighborhood Nights: National Night Out Family Safety Fair, Family Fitness Center, 5:30 P.M. – 7:30 P.M.; September 1, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.;

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September 1-11, 2009: Early Voting for Municipal Primary Election; September 2, 2009: Meet the Candidates Night for Municipal Primary Election; UCCC, 7:00 P.M.; September 7, 2009: Labor Day Holiday – City Hall closed; September 8, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 14, 2009: 2009 Crime Prevention Seminar, Topic: National Preparedness Month (CERT), Family Fitness Center, 6:30 P.M. – 7:30 P.M.; September 15, 2009: Municipal Primary Election; September 9-11, 2009: ULCT Annual Convention, Sheraton City Center, 150 West 500 South; September 15, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 17, 2009: ChamberWest 2009 Community Awards Gala, SLCC Oak Room, 6:30 P.M.; September 22, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 24, 2009: Latino Seminar – Fire Prevention, UCCC, 6:30 P.M.; September 30, 2009: Lake Park Owners Golf Social, Stonebridge Golf Course, 8:00 A.M. – 1:00 P.M.; October 19, 2009: 2009 Crime Prevention Seminar, Topic: National Domestic Violence Awareness Month, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; October 20-30, 2009: Early Voting for Municipal General Election; October 22, 2009: Latino Seminar – Domestic Violence Awareness, UCCC, 6:30 P.M.; October 22, 2009: Meet the Candidates Night for Municipal General Election, UCCC, 7:00 P.M.; November 3, 2009: Municipal General Election; and November 9, 2009: 2009 Crime Prevention Seminar, Topic: Gang Awareness, Family Fitness Center, 6:30 P.M. – 7:30 P.M.

Upon inquiry, City Manager, Wayne Pyle, reported regarding the first night of the Days of '47 Rodeo being held at the E-Center. Mr. Pyle stated organizers were happy with the venue.

10. COUNCIL REPORTS:

A. COUNCILMEMBER COREY RUSHTON – ANNUAL CITY COUNCIL SERVICE PROJECT

Councilmember Rushton stated he continued to work with the City Manager and the Community Preservation Director regarding a proposed annual City Council service project. He inquired which day during the week of August 4th would be most available for members of the Council to participate in that activity.

B. COUNCILMEMBER MIKE WINDER – CITIZEN COMPLAINT REGARDING SELLING GOODS FROM SHOPPING CARTS IN NEIGHBORHOODS

Councilmember Winder discussed a complaint received from a citizen regarding people selling goods from shopping carts in neighborhoods. Councilmember Vincent informed he had forwarded a similar complaint to the City Manager.

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City Manager, Wayne Pyle, advised he had discussed follow up action with appropriate staff regarding this issue.

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C. COUNCILMEMBER STEVE VINCENT – WEST FEST

Councilmember Vincent inquired if any Council member had received complaints regarding the recent WestFest event. City Manager, Wayne Pyle, advised he had not been made aware of any complaints.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, JULY 21, 2009, WAS ADJOURNED AT 6:22 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, July 21, 2009.

Sheri McKendrick, MMC
City Recorder

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